

Counsel Listed on Next Page

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

FISHER INVESTMENTS, INC., a California  
corporation,

Plaintiff,

v.

MORGAN STANLEY DW, INC., a  
Delaware corporation, and DOES 1-10,  
inclusive,

Defendants.

Case No. C 07 2547 JCS

**STIPULATION CONTINUING DUE  
DATE OF DEFENDANT MORGAN  
STANLEY & CO., INC.'S (F/K/A  
MORGAN STANLEY DW, INC.)  
RESPONSE TO PLAINTIFF'S  
COMPLAINT**

**LOCAL RULE 6-1(a)**

1 JOSEPH W. COTCHETT (State Bar No. 36324)  
2 NANCY L. FINEMAN (State Bar No. 124870)  
3 COTCHETT, PITRE & McCARTHY  
4 San Francisco Airport Office Center  
5 840 Malcolm Road, Suite 200  
6 Burlingame, CA 94010  
7 Telephone: 650-697-6000  
8 Facsimile: 650-697-0577

9 SCOTT METZGER (State Bar No. 89718)  
10 ANNA F. ROPPO (State Bar No. 132680)  
11 DUCKOR SPRADLING METZGER & WYNNE  
12 3043 – 4th Avenue  
13 San Diego, CA 92103  
14 Telephone: 619-209-3000  
15 Facsimile: 619-209-3043

16 Attorneys for Plaintiff  
17 Fisher Investments, Inc.

18 TRISH M. HIGGINS (State Bar No. 119215)  
19 ORRICK, HERRINGTON & SUTCLIFFE LLP  
20 400 Capitol Mall, Suite 3000  
21 Sacramento, CA 95814-4497  
22 Telephone: 916-447-9200  
23 Facsimile: 916-329-4900

24 MICHAEL D. WEIL (State Bar No. 209056)  
25 ORRICK, HERRINGTON & SUTCLIFFE LLP  
26 The Orrick Building  
27 405 Howard Street  
28 San Francisco, CA 94105-2669  
Telephone: 415-773-5700  
Facsimile: 415-773-5759

Attorneys for Defendant  
Morgan Stanley & Co., Inc.  
(f/k/a Morgan Stanley DW, Inc.)

1 Plaintiff Fisher Investments, Inc. ("Plaintiff" or "Fisher"), on the one hand, and Defendant  
2 Morgan Stanley & Co., Inc. (f/k/a Morgan Stanley DW, Inc.) ("Defendant" or "Morgan  
3 Stanley"), on the other hand, through their respective counsel, HEREBY STIPULATE and  
4 AGREE pursuant to Local Rule 6-1(a) as follows:

5 1. Plaintiff Fisher filed its Complaint ("Complaint") in the Superior Court for the  
6 County of San Mateo on April 12, 2007, and served it on April 13, 2007. Defendant Morgan  
7 Stanley removed the complaint to federal court on May 14, 2007.

8 2. On May 16, 2007, the parties stipulated to extend the time for Morgan Stanley's  
9 response to the Complaint from May 21, 2007 to June 5, 2007.

10 3. The parties stipulate and agree that Defendant's time to respond to Plaintiff's  
11 Complaint shall be continued another fifteen (15) days, until June 20, 2007.

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1           4.       This stipulation will not alter the date of any event or any deadline already fixed  
2 by Court order.

3           SO STIPULATED.

4       Dated: May 31, 2007

JOSEPH W. COTCHETT  
NANCY L. FINEMAN  
COTCHETT, PITRE & McCARTHY

SCOTT METZGER  
ANNA F. ROPPO  
DUCKOR SPRADLING METZGER & WYNNE

9           By: \_\_\_\_\_/s/\_\_\_\_\_  
                                Anna Roppo  
                                Attorneys for Plaintiff  
                                Fisher Investments, Inc.

12       Dated: May 31, 2007

TRISH M. HIGGINS  
MICHAEL D. WEIL  
ORRICK, HERRINGTON & SUTCLIFFE LLP

15           By: \_\_\_\_\_/s/\_\_\_\_\_  
                                Michael D. Weil  
                                Attorneys for Defendant  
                                Morgan Stanley & Co., Inc.  
                                (f/k/a Morgan Stanley DW, Inc.)

19           I hereby attest that the concurrence in the filing of this document has been obtained from  
20 Anna Roppo, Attorney for Plaintiff, Fisher Investments, Inc.

22           By: \_\_\_\_\_/s/\_\_\_\_\_  
                                Michael D. Weil  
                                Attorneys for Defendant  
                                Morgan Stanley & Co., Inc.  
                                (f/k/a Morgan Stanley DW, Inc.)